

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ROY BROWN,

Plaintiff,

v.

Case No. 07-11312
Honorable Patrick J. Duggan

LINDA MATUSZAK, ET AL.,

Defendants.

**OPINION AND ORDER DENYING PLAINTIFF'S OBJECTIONS TO
MAGISTRATE JUDGE'S MAY 30, 2012 ORDER**

In March 2007, Plaintiff filed this pro se civil rights action pursuant to 42 U.S.C. § 1983, alleging that his constitutional rights were violated when he failed to receive an item of legal mail. Presently before the Court are Plaintiff's objections to Magistrate Judge Charles E. Binder's May 30, 2012 order granting *nunc pro tunc* Defendants' motions to take Plaintiff's deposition and denying Plaintiff's motion for the appointment of counsel. (Doc. 84.) This Court has referred Plaintiff's lawsuit to Magistrate Judge Binder for all pretrial proceedings, including a hearing and determination of all non-dispositive matters pursuant to 28 U.S.C. § 636(b)(1)(A) and/or a report and recommendation on all dispositive matters pursuant to 28 U.S.C. § 636(b)(1)(B). (Doc. 83.)

Rule 72(a) of the Federal Rules of Civil Procedure and 28 U.S.C. § 636(b)(1)(A) provide the standard of review this Court must apply when objections are filed with respect to a magistrate judge's ruling on nondispositive matters. The rule provides in

relevant part: “The district judge in the case must consider timely objections and modify or set aside any part of the order that is clearly erroneous or is contrary to law.” Fed. R. Civ. P. 72(a); *see also* 28 U.S.C. § 636(b)(1)(A). Thus contrary to Plaintiff’s understanding, this Court does not review the motions *de novo*.

Applying this standard, the Court rejects Plaintiff’s objections to Magistrate Judge Binder’s order. Magistrate Judge Binder’s decision was neither clearly erroneous nor contrary to law. As Plaintiff acknowledges, leave to take depositions is granted freely. Plaintiff does not object to the taking of his deposition, only that it was taken before an order was entered granting leave to do so. This Court also concurs in Magistrate Judge Binder’s decision to deny Plaintiff’s request to appoint counsel to represent him at this time.

Accordingly,

IT IS ORDERED, that Plaintiff’s objections to Magistrate Judge Binder’s May 30, 2012 Order is **DENIED**.

Dated: July 9, 2012

s/PATRICK J. DUGGAN
UNITED STATES DISTRICT JUDGE

Copies to:
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AAG James T. Farrell
Magistrate Judge Charles E. Binder